

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are requested to be cancelled.

Claims 1, 10, 12, 18, 19, and 20 are currently being amended.

Claims 22 and 23 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-23 are now pending in this application.

I. Rejections Under 35 U.S.C. § 103

Claims 1-6, 8-9, 11-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Matkovich (5,868,433) in view of Folden (5,221,267). Applicants have amended independent claims 1, 12, and 18 and respectfully request reconsideration.

In addressing a retaining means, Matkovich recites "...any coupling...which locks or becomes non-separable after coupling..." (Matkovich, column 15, line 66-column 16, line1). Following coupling, Matkovich describes the coupled unit, where "...the advance of the stem is sufficient to allow the stem to pierce...the sealing layer of each membrane assembly...[with] the head, which comprises a piercing element..." (Matkovich, column 13, lines 35-39). Matkovich provides an irreversible coupling process that precedes a process to puncture the seals of the connection elements. As a result, no material can be transferred to the connection elements before the irreversible connection is made.

Applicants, on the other hand, claim "...the first or second connection element can be *reversibly* connected to standard connectors allowing fluid transfer therethrough *before an irreversible connection* is made with the other element...", as recited in amended claims 1, 12, and 18. Applicants provide support for claims 1, 12, and 18 in the Specification, on at least page 15, lines 16-28. Matkovich does not allow for a prior reversible coupling, nor would it have been obvious, as any attempt to do so would break a connection element seal and contaminate the sterile field of the connection element, in direct opposition to the teachings of Matkovich.

The Examiner states Folden teaches "...a breakable tubing coupling..." (Office Action, January 9, 2008). Folden does not address a coupling, where a "...first or second connection element can be reversibly connected to standard connectors before an irreversible connection is made with the other element...", as recited in amended claims 1, 12, and 18. As such, Folden fails to overcome the deficiencies in Matkovich, described previously.

For at least these reasons, amended independent claims 1, 12, and 18 are patentable over the cited references. Reconsideration and withdrawal of the rejection is therefore respectfully requested. The above arguments made with respect to independent claims 1, 12, and 18 apply equally to claims 2-11 and 13-16, which depend directly or indirectly from claim 1, and to claims 19-21, which depend directly or indirectly from claim 18. For at least these reasons, claims 2-11, 13-16, and 19-21 are also patentable over the cited references. Reconsideration and allowance of these claims is respectfully requested.

Claims 7 and 10 are rejected under U.S.C. 103(a) as being unpatentable over Matkovich in view of Folden (5,221,267). Applicants have amended independent claims 1, 12, and 18 and respectfully request reconsideration.

Arguments against cited references Matkovich and Folden have been made in addressing the previous § 103 rejection. For at least these reasons, dependent claims 7 and 10 are patentable over the cited references by their dependencies to respective independent claims distinguished above. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matkovich in view of Folden in further view of Huet (6,595,981). Applicants have amended independent claims 1, 12, and 18 and respectfully request reconsideration.

Arguments against cited references Matkovich and Folden have been made in addressing the first § 103 rejection. The Examiner states Huet teaches "...an automatic-closing connector...capable of preventing fluid backflow after injection..." (Office Action, January 9, 2008). Huet does not address a "...first or second connection element can be reversibly connected to standard connectors allowing fluid transfer therethrough, before an irreversible connection is made with the other element...", as recited in amended claims 1, 12, and 18. As such, Huet fails to overcome the deficiencies in Matkovich, described previously.

For at least these reasons, dependent claim 17, by its dependency from independent claim 1 and any intervening claims, is patentable over the cited references. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

New claims 22 and 23 are patentable by their respective dependency from amended claims 12 and 18.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Atty. Dkt. No. 079777-0564

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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